

CHAPTER 7- COMMERCIAL FISHING REGULATIONS

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CHAPTER 7 -- COMMERCIAL FISHING REGULATIONS

7.1 SECTION 1 - DEFINITIONS

7.1.1 A "fishing day" shall mean any day on which a licensee fishes large mesh gill nets.

7.1.2 A "fishing week" shall mean any week in which a licensee lifts large mesh gill nets.

7.2 SECTION 2: GENERAL PROVISIONS

Members of the Red Cliff Band may fish for commercial purposes on the Red Cliff Reservation and on Lake Superior subject to the following restrictions:

7.2.1 COMMERCIAL FISHING LICENSE (6-7-99)

(a) Every member who fishes for commercial purposes on the Reservation or on the Lake Superior shall have in his possession a valid Tribal Commercial Fishing Identification card. This card must be obtained by filing an application with the Red Cliff Fisheries Department. The application shall contain information as to the date the application was filed, the type of license applied for, the vessel that the applicant will use while fishing under the license, and such other information as required by the Fisheries Department. **(6-7-99)**

(b) No member shall hold more than one commercial fishing license at any time. **(6-7-99)**

7.2.2 A Commercial Fishing License shall be valid for the duration of one Fishing Year, which extends from November 28 of each year through and including November 27 of the following year. No Commercial Fishing License shall be valid during any Fishing Year other than the Fishing Year for which the license was issued. The deadline to apply for a Commercial Fishing License for each Fishing Year will be November 1 prior to the beginning of the Fishing Year. No Commercial Fishing License applications will be accepted after this date.

7.2.3 LARGE BOAT LICENSE (6-7-99)

(a) Number of Large Boat Licenses. No more than 14 large boat licenses shall be in effect at any one

time. Of the large boat licenses in effect no more than ten shall be licensed to fish the Wisconsin waters of Lake Superior. (6-7-99)

- (b) Required Equipment. A large boat licensee must own and operate a Coast Guard documented vessel with a weight of five or more tons equipped with a powered net lifter. (6-7-99)

(1) The Red Cliff Fishing Committee shall have the authority to waive the requirements of this section for a period not to exceed six (6) months in order to allow a licensee to obtain compliance with subsection (b). An applicant receiving a waiver under this subsection must comply with section (b) prior to conducting commercial fishing operations. (5/2/2011)

- (c) Transfer and Forfeiture of License. A tribal member may transfer his commercial fishing license in connection with the sale of his vessel to another tribal member upon approval of the Fishing Committee. A licensee who sells his vessel to a non-tribal member and who does not transfer his license to another vessel meeting the requirements of (b) shall forfeit his commercial fishing license, and it shall be available to other applicants under (e) of this section. (6-7-99)

- (d) Waiting List. The Red Cliff Fisheries Department shall maintain a waiting list, based upon date of application for open commercial fishing license, which have been forfeited under (d) or otherwise. Open license shall be issued to those at the top of the waiting list (applications dated first in time being given first priority), provided the applicant meets all other requirements of this Chapter within thirty (30) days. The Fishing Committee, upon approval of the Tribal Council may, extend the thirty day period mentioned in this section on a case by case basis. (6-7-99)

- (e) Grandfather Clause. The requirements of (b) of this section shall not apply to licensees holding valid licenses on the effective date of this section or those prospective licensees that already have an application on file with the Fisheries

Department on the effective date of this section. (6-7-99)

7.2.4 SMALL BOAT LICENSE

- a) A small boat licensee must (a) be 18 years of age on or before the first day of the fishing year for which the small boat license is sought; (b) own a boat 14 feet in length or larger, registered in the licensee's name; and (c) own seven (7) or more gill nets with a mesh size of 4 1/4 inch or larger, and with a combined length of 1200 feet or more. (6-7-99)
- b) Prior to issuing a small boat license, the Red Cliff Fisheries Department or the Red Cliff Wardens shall ensure that each small boat license applicant meets the criteria for a small boat license. (6-7-99)

7.2.5 If a member gives up his Commercial Fishing License and obtains a Home Use Fishing License, he shall not be eligible to obtain another Commercial Fishing License for one year. No member shall possess both a Commercial Fishing License and a Home Use Fishing License.

7.2.6 WISCONSIN AND MICHIGAN WATERS; ELECTION. At the time of applying for a large boat license, the potential licensee shall elect to fish in either Wisconsin or Michigan waters of Lake Superior, and appropriate tags shall issue. Thereafter, licensees shall not be permitted to transfer between Wisconsin and Michigan waters.

7.2.7 Commercially licensed boats may not fish home use nets unless authorized by the tribal biologist or his designee. If such home use nets are fished by a commercial licensee, they must be labeled as home use and contain the same information as required for commercial nets. In no instance may a commercial boat fish both commercial and home use nets at the same time.

7.2.8 If a licensee does not participate in any commercial fishing activity by July 15 of a fishing year, their license shall be suspended for the remainder of the fishing year and their footage and tags shall be turned over to the Red Cliff Fisheries Department for redistribution. (6-7-99)

7.2.9 There shall be a fee for a commercial fishing license. The Tribal Council, based upon the recommendation of the

Red Cliff Fishing Committee, shall set the fee. If this fee is not paid by December 15 of a fishing year, or a licensee fails to pick up their tags by December 15 of a fishing year, the licensee shall forfeit their license for that fishing year. (6-7-99)

7.3 SECTION 3: MINIMUM SIZE LIMITS

7.3.1 Whitefish, less than 17 inches in length may not be sold. Dead undersize fish shall be tagged with yellow Home Use tags and may be consumed by the licensee and his family or may be given to the Tribe and used for charitable purposes.

7.4 SECTION 4: MESH SIZE

7.4.1 From October 1 through and including November 27, no commercial licensee shall set gill nets with a mesh size of 4 1/4 inches and greater, at depths less than 35 fathoms. From November 28 through and including November 30, no commercial licensee shall set the nets described in this paragraph at depths less than 12 fathoms.

7.5 SECTION 5: SEASONS

7.5.1 There will be three fishing seasons and one closed season.

- a) Season one will be from November 28 to March 31.
- b) Season two will be from April 1 to May 31.
- c) Season three will be from June 1 to September 30.
- d) The closed season will be from October 1 through November 27.

7.5.2 During the closed season no commercial licensee shall take or retain any whitefish or lean lake trout.

7.5.3 To insure the lean lake trout quota established in Section 7.9.1 is not exceeded, fishing effort, measured in terms of feet of net set, shall be limited. Prior to the start of each Fishing Year, the Fisheries Department shall give notice of a meeting at which each licensee shall receive their allocation of net footage for the upcoming Fishing Year. The setting of any net in excess of the amount allocated to each licensee at the annual

meeting referenced in this section shall be a prosecutable offense. (01-13-14)

- 7.5.4** Individual fishing effort allocations may not be transferred, except by writings signed by transferor and transferee, verified and dated by signature of the fisheries biologist and filed with the fisheries biologist. No such transfer or claim of such transfer shall be a defense to a prosecution for exceeding fishing efforts, where the written transfer was filed and verified after the date of the alleged offense.

7.6 **SECTION 6: LIFTS**

- 7.6.1** To insure the integrity of the CPE/lean lake trout quota system, each gill net set by a commercial licensee shall be lifted a minimum of:

- (a) once every 72 hours (3 days) in open water less than 96 feet (16 fathoms) deep; or
- (b) once every 120 hours (5 days) in open water 96 to 210 feet (16 to 35 fathoms) deep; or
- (c) once every 240 hours (10 days) in open water more than 210 feet (35 fathoms) deep; or
- (d) once every 120 hours (5 days) in commercial ice fishing as applicable.

This restriction shall not apply where inclement weather or similar dangers prevent timely tagging of the fish. In such cases the burden is on the fisher to show that inclement weather or similar dangers prevented timely tagging of the fish. Failure to use available means of notifying tribal wardens in advance shall constitute prima-facie evidence that the failure to tag was not due to inclement weather or similar dangers.

7.7 **SECTION 7: NET MARKING**

- 7.7.1** Each gang of nets shall be marked with a buoy on each end. Each buoy must be a minimum of 60 inches above the water line. The inside buoy shall have 2 flags and the outside buoy shall have 1 flag. Buoys shall be red and white and shall bear the Commercial Fishing License number. Upon the upper end of the staff each flag shall be a minimum of 5 in. x 10 in. Ice buoys may be used when necessitated by lake conditions. (8/6/2012)

7.7.2 For gill nets with a mesh size of 4 1/4 inches and greater, each set of nets set in waters less than 55 fathoms shall include an informational tag on the outside buoyline ten feet below the water's surface or on a tag placed in a secure pocket of the outside buoy flag. Each tag shall state the date on which the gill net was set and the length of the gang of nets. Tags will be provided, upon request, by the Red Cliff Fisheries Department. It shall be a defense to this section that footage indicated is within ten percent of actual net footage.

7.8 **SECTION 8: TAGGING**

7.8.1 LEAN LAKE TROUT.

- (a) All lean lake trout taken shall be tagged with tags furnished or authorized by the Red Cliff Band, except as provided in (b).
- (b) Live lean lake trout taken during seasons one (1) and two (2) must be returned to the water. For purposes of this section, "live" means any lean lake trout reasonably expected to survive. No lean lake trout may be returned to the water in season three (3).
- (c) Commercial lean lake trout tags shall be valid only during the fishing year for which they were issued, except that properly tagged fish held for market reasons shall be recognized as legal if sold before the end of the year immediately following the fishing year the tags were issued.
- (d) Every licensee shall affix tags, promptly after the fish are dressed, or, in the case of fish taken on the ice, before the fish are transported, unless tagging is prevented by an extreme case of adverse weather or bodily injury. In such cases, the licensee shall immediately notify the Red Cliff Conservation Department, which shall take custody of the untagged lean lake trout pending tagging. The licensee shall bear the burden to prove that inclement weather or similar dangers prevented the timely tagging of the fish. Failure to use available means of notifying tribal wardens in advance, or the fact that the fish were not dressed, shall constitute prima facie evidence that

failure to tag was not due to inclement weather.
(8/6/2012)

- 7.8.2 HOME USE TAGS. Lake trout, which a licensee does not choose to sell, may be tagged with white home use lake trout tags if a portion of the home use quota is allocated to commercial licensees for the fishing year in which the fish are taken. Fish tagged with Home Use tags may be consumed by the licensee and his family or given to the Tribe and used for charitable purposes.
- 7.8.3 MISCELLANEOUS TAGS. All walleye harvested must be affixed with a miscellaneous tag. (01-13-14)
- 7.8.4 MICHIGAN FISH. No licensee shall dock or bring to shore in Wisconsin lake trout harvested in Michigan unless such fish are tagged in conformity with Red Cliff tribal law. Regardless of whether or not the fish are tagged, no licensee shall dock or bring to shore in Wisconsin a combined catch of lake trout taken from both Wisconsin and Michigan. No licensee shall, while lake trout taken from Michigan are aboard, lift nets in Wisconsin. No licensee who has in his possession or aboard his vessel tags for Michigan lake trout, shall fish in the Saxon Harbor Area as defined in sec. 7.14.9.
- 7.8.5 It is not a defense to a violation of sec. 7.5.3 that a licensee has lean lake trout tags remaining.

7.9 **SECTION 9: LEAN LAKE TROUT QUOTA**

- 7.9.1 A quota shall govern the harvest of lean lake trout during any Fishing Season. At the start of each Fishing Year, the quota shall be determined by the Red Cliff Fisheries Department, subject to ratification by the Tribal Council. The quota shall be enforced by means of the tagging provisions in Section 7.8 of these regulations and subject to the effort limitations contained in sec. 7.5.3 of these regulations for Wisconsin waters. (01-13-14)
- 7.9.2 After deducting and setting aside a portion of the quota to cover home use consumption, the Fisheries Department shall allocate a portion of the quota to each tribal member possessing a valid Commercial Fishing License at the start of the Fishing Season. Total effort expressed in terms of footage of net fished shall operate as a

limitation of the lean lake trout quota under this section seven.

7.10 SECTION 10: PROHIBITED SALES

7.10.1 No licensee shall sell to a non-Indian any of the following species: brown trout, brook trout, rainbow trout; splake; coho salmon; chinook salmon; atlantic salmon; lake sturgeon; small mouth bass; perch; northern pike; or pan fish, that is, bluegill, sunfish, rock bass, crappie, and yellow perch.

7.10.2 A licensee may sell prohibited species to a member of a federally recognized tribe provided that the fish is tagged with a miscellaneous tag. (01-13-14)

7.11 SECTION 11: REPORTING REQUIREMENTS

7.11.1 All commercial fishermen shall file reports for periods ending on alternate Friday's beginning with the second Friday in December.

(a) The reports shall contain the following information: records of catch and effort by day and location by grid, the number of pounds of each type of fish taken, the type and amount of fishing gear employed, the length of time (number of nights) each unit was fished without being lifted, and other such data the Red Cliff Fisheries Department may require.

(b) Reports are due no later than the third working day, following the reporting period. Reports shall be filed regardless of whether or not any fish were caught or any fishing was done.

7.12 SECTION 12: INSPECTIONS AND SEARCHES

7.12.1 INSPECTIONS. Licensees shall allow Tribal Conservation Law Enforcement Officers to inspect nets, vessels, and vehicles used in the fishing operation, and to inspect any fish taken and retained by a licensee at any reasonable time and place.

7.12.2 STOPS AND SEARCHES. (a) On the Water. Licensees shall stop their vessel upon being hailed by tribal or state wardens acting under the authorization of this ordinance and the agreement between the Tribe and the State of Wisconsin.

State wardens are authorized to request a stop for the purpose of (1) obtaining the identification of persons apparently engaged in fishing activities and previously unknown to the wardens; and (2) searching the vessel where the warden has probable cause to believe that an offense under this chapter has occurred and that evidence of the offense will be found on board.

Notwithstanding that a state warden has stopped a vessel on probable cause, said warden may not board and conduct a search of the vessel unless and until:

- (1) He has informed the licensee of the nature of the offense and his probable cause for believing that it has occurred; and
 - (2) The licensee expressly consents to the search; or
 - (3) The warden attempts in good faith to contact tribal wardens for at least 1/2 hour without success; or
 - (4) Tribal authorities cannot reach the scene within 1 1/2 hours of receiving notice of the request to search; or
 - (5) Tribal authorities fail to reach the place of docking within 1/2 hour of the licensee's arrival.
- (b) On the Ice. Acting under the authority of this ordinance and the agreement between the Tribe and the State of Wisconsin, licensees shall allow state wardens to conduct a search on the ice, where the warden:
- (1) Has probable cause to believe that an offense under this chapter has occurred and evidence of the offense will be found amongst the licensee's effects on the ice; and
 - (2) The warden informs the licensee of the nature of the offense and his probable cause for believing that it has occurred; and

- (3) State authorities are unable to contact tribal authorities to conduct the search.
- (c) Vehicle Search. Acting under the authority of this ordinance and the agreement between the Tribe and the State of Wisconsin, licensees shall allow state wardens, to conduct a search of a vehicle where the warden:
 - (1) Has probable cause to believe that an offense under this chapter has occurred and evidence of the offense will be found in the vehicle; and
 - (2) The warden informs the licensee of the nature of the offense and his probable cause for believing that it has occurred; and
 - (3) State authorities are unable to contact tribal authorities to conduct the search.
- (d) Unauthorized Stop and Search. No evidence acquired as a result of a stop or search by state wardens other than as expressly authorized above, may be admitted in evidence in any prosecution under this chapter. Where the initial stop is not authorized the fact that the licensee consents to a subsequent search shall not be deemed to waive or cure the defect.

7.12.3 JOINT PATROLS.

Where a tribal warden on joint patrol shall decide to board a tribal boat, inspect or seize a tribal catch or take similar law enforcement action involving tribal members, state wardens, acting under the direction of the tribal warden, shall be authorized to participate in conducting boarding, inspection, seizure or other action, and it shall not be an objection to a subsequent citation or prosecution that state wardens so participated.

7.12.4 The Red Cliff Band of Lake Superior Chippewa hereby authorize tribal wardens from the Bad River Band of Lake Superior Chippewa to enforce its ordinances pertaining to fishing in the Wisconsin waters of Lake Superior and to cite alleged violations thereof into the Red Cliff Tribal Court. This section does not authorize Great Lakes Indian Fish and Wildlife Commission (GLIFWC) wardens or

Wisconsin Department of Natural Resources (WDNR) wardens to independently cite alleged violations of this Code into the Red Cliff Tribal Court, regardless of any cross-deputization agreement that may apply to the Bad River Band.

- 7.12.5** SEIZURES. Tribal authorities are authorized to seize fishing gear set in violation of these regulations, to seize contraband fish, or to seize evidence of a violation. State authorities are authorized to seize fishing gear set in areas closed pursuant to sec. 7.13 or sec. 7.14, or to seize evidence pursuant to a search authorized by sec. 7.12.2. Licensees shall not interfere with or resist such seizures. Fishing gear shall be returned to the licensee if the licensee stipulates to ownership and physical description to the satisfaction of the tribal prosecutor. All other items seized shall be held by the Tribe pending disposition by the court pursuant to sec. 7.17.

7.13 **SECTION 13: CLOSED AREAS**

- 7.13.1** Except as provided in sec. 7.13.4 below, it shall be unlawful to fish in the Gull Island Refuge, as described in sec. 7.13.2; or in the Devils Island Refuge, as described in sec. 7.13.3. (12-3-07C)
- 7.13.2** Gull Island Refuge is defined as all waters bounded by a line from the Gull Island light south to the northernmost point of Michigan Island and then proceeding in a southerly direction following the shoreline of Michigan Island to the Michigan Island light, thence southerly towards the center of the mouth of the Bad River in Ashland County to latitude 46° 40', thence due east to the Michigan state line; thence northerly along the state line to latitude 46° 59.3' from that point due west to longitude 90° 26.5' and thence due south to the Gull Island light the place of beginning excluding those waters within two miles of Outer Island.
- 7.13.3** Devils Island Refuge is defined as all waters wherein the bottom lies at a depth of less than 35 fathoms northerly from a line beginning two miles north of the Outer Island light and extending westerly to the north end of North Twin Island, thence along the shoreline to the south end of North Twin Island, thence Southwesterly to the north end of South Twin Island, thence northerly to the north

end of Rocky Island, thence along the north shoreline to the northwest point of Rocky Island, thence northwesterly to the south end of Devils Island, thence along the shoreline to the north end of Devils Island, thence westerly to a point 2.5 Statute miles north of the York Island Shoal bell buoy.

7.13.4 The following fisheries are allowed:

- (a) In the Gull Island Refuge described in sec. 7.13.2 where the lake bottom lies at a depth of 35 fathoms (210 feet) or more.
- (b) In the Gull Island Refuge described in sec. 7.13.2, for the taking on Menominee whitefish from November 5 through December 5 only, in waters less than 7 fathoms in depth which immediately adjoin Michigan Island, using gill nets with a mesh size no greater than 2 3/4 inches stretch measure.
- (c) In that area of the Devils Island Refuge described in sec. 7.13.3, south of a line running northwesterly from the northern tip of Devils Island, for the taking of herring from November 15 through January 15 only, using gill nets with a mesh size no greater than 3 inch stretch measure. This area will also be open to commercial fishing from June 1st to September 30th (Period 3). (12-3-07C)
- (d) Float nets with a maximum stretch measured 3 inches may be fished in the Gull Island Fish Refuge for lake herring from November 1st to December 15th out to a bottom depth of 25 fathoms. The net must be a minimum of two fathoms off the bottom. Buoys may be set in deeper water. (8/6/2012)

7.14 **SECTION 14: RESTRICTED SPORT FISHING AREAS**

7.14.1 Except as provided in sec. 7.14.12 below, it is unlawful to fish using a net in the areas described in sec. 7.14.2 through sec. 7.14.11.

7.14.2 Minnesota - Iron River Area. All waters from a line extending due north from the mouth of the Iron River, westerly to the Wisconsin-Minnesota state line where the bottom lies at a depth of less than 35 fathoms.

- 7.14.3 Iron River - Cranberry River Area. All waters from a line extending due north from the mouth of the Iron River, easterly to a line extending due north from the mouth of the Cranberry River at Herbster where the bottom lies at a depth of less than 15 fathoms.
- 7.14.4 Cranberry River - Quarry Point Area. All waters from a line extending due north from the mouth of the Cranberry River at Herbster, easterly to the Bark Point - Roman Point line where the bottom lies at a depth of less than 12 fathoms.
- 7.14.5 Siskiwit Bay. All waters of Siskiwit Bay bounded by the shoreline and a line extending from Roman Point to Squaw Point.
- 7.14.6 Van Tassells Point. The area from the easterly most tip of Houghton Pt. northerly to the entry to the City of Bayfield's Marina, then easterly to Pt. Defroid on Madeline Island, then southerly along the western end of the Island to the tip of Grants Pt., then southerly to Chequamegon Pt., on the western tip of Long Island. Hence easterly to the eastern most tip on Houghton Pt. (8/6/2012)
- 7.14.7 Chequamegon Bay Area. All waters of Chequamegon Bay bounded by the shoreline and a line extending from the easterly most tip of Houghton Point, Bayfield County, to the Chequamegon Point light on the western tip of Long Island, Ashland County.
- 7.14.8 Hagens Beach Area. All waters east of Madeline Island between a line extending due east from the southernmost tip of Madeline Island to the western boundary of the Gull Island Refuge and a line extending from the east end of Hagen Road to the western boundary of the Gull Island Refuge from June 1 through August 31.
- 7.14.9 Saxon Harbor Area. All waters bounded by a line beginning at the mouth of Graveyard Creek extending due north to the southern boundary of the Gull Island Refuge, thence due east to the Wisconsin-Michigan State line, thence southwesterly along the Wisconsin-Michigan State line to the mouth of the Montreal River, thence westerly along the mainland shoreline to the place of beginning.

- 7.14.10** Bark Bay Area. All waters of Bark Bay bounded by the shoreline and a line extending from Roman Point to Bark Point.
- 7.14.11** Sand Cut Area. All waters bounded by a line beginning at the Chequamegon Point light on the western end of Long Island extending northeasterly to the southernmost point of Madeline Island, thence due east to the western boundary of Gull Island Refuge, thence southerly along the refuge boundary to latitude 46 40', thence due west to the mainland shoreline, thence northwesterly along the shoreline to the place of beginning, except within one and one-half mile of the mainland shoreline in Ashland County. **(01-13-14)**
- 7.14.12** The following fisheries are open to net fishing subject to the restrictions described:
- a) Bark Bay Area, described in sec. 7.14.10, shall be open from April 1 through May 31 for net fishing. Entrapment nets for whitefish only may be used in period 3. **(8/6/2012)**
 - b) Minnesota - Iron River Area, described in sec. 7.14.2, from November 15 through December 31, in waters greater than 15 fathoms, between the mouth of the Brule River and the mouth of the Iron River, using nets of mesh size no greater than 3-inch stretch measure.
 - c) Hagens Beach Area, described in sec. 7.14.8, from September 1 through May 31, subject to closed season for whitefish or lean lake trout set forth in sec. 7.5.
 - d) Saxon Harbor Area, described in sec. 7.14.9, from ice out to Friday of Memorial Day weekend.
 - e) Saxon Harbor Area, described in sec. 7.14.9, from November 15 through December 15, for the taking of herring, using nets no less than 2 1/2 inch stretch measure and no greater than 3 inch stretch measure, at depths 14 fathoms and greater.

- f) Restricted areas west of Bark Point and east of a point one mile west of Port Wing, for the taking of walleye.
- g) By Permit. Nets may be fished under permit issued by the Red Cliff Fisheries Department for the taking of rough or detrimental fish only, except long-nosed sucker.
- h) Van Tassells Area. Recreational fishing equipment will only be allowed, except lake herring float nets will be allowed under the ice. Entrapment gear may be fished June 1st to August 15th for whitefish only. (8/6/2012)
- i) Van Tassells Area. Smelt pount nets will be allowed by permit in this area from ice-out to May 15th. Gill nets of not greater than 1¾ inch stretch measure may be fished in this area, for smelt and herring under the ice but must be at least a half mile from the mouths of any trout streams. (8/6/2012)
- j) Van Tassells Area. Large mesh gill nets (4¼ minimum size stretch measure) will be allowed north of latitude 46°, 45.0 seconds, minimum of 19 fathoms only as ice sets (not from a boat) or as locally called, "ice fishing". (8/6/2012)
- k) Gull Island. Those waters less than 35 fathoms lying north of the latitude 46° 53.3' refuge line in grids 1212, 1312, and east of longitude 90°25.0' and south of latitude 47° 05.0' in grids 1311 and 1211. (8/6/2012)

7.15 SECTION 15: ADDITIONAL CLOSURES AND RESTRICTIONS

- 7.15.1** MANDATORY WITHDRAWAL. It shall be unlawful to fail or refuse to withdraw from any area declared closed by the Red Cliff Band.
- 7.15.2** ADDITIONAL RESTRICTIONS. It shall be unlawful to fail or refuse to comply with such additional fishing restrictions as may from time to time be enacted by the Tribe.

7.15.3 NOTIFICATION. In the event that the Tribe closes an area not enumerated in sec. 7.13, or sec. 7.14, or imposes restrictions not enumerated in this Chapter 7, the Tribe shall be entitled to rely on telephone numbers and addresses on file with the Fisheries Department in notifying licensees.

Notice of a closure or restriction, shall be deemed to have been given when a postage-paid letter is deposited in the mail addressed to the licensee and describing the tribal action, regardless of whether or not the licensee receives the notice.

7.15.4 Additional closures or restrictions shall be effective upon declaration by the Tribe and upon notification as provided in sec. 7.15.3, and no publication otherwise required in sec. 27.2.1 shall be required.

7.15.5 The following area is set aside solely for boats not equipped with mechanical gill net lifters from June 1 to September 30: Within grid 1410, to a maximum depth of 110 feet, an area southwest of a line between a point at latitude 46° 45.04' longitude 90° 34.62' and a point at latitude 46° 40.0' longitude 90° 28.95'

7.15.6 It shall be unlawful to set fishing gear within ¼ mile from other fishing gear with the following limitations:

- (a) Applies to parallel fishing gear only;
- (b) Open water conditions only;
- (c) Adjacent licensees may, by mutual consent, maintain a shorter interval between their respective nets. (8/6/2012)

7.16 **SECTION 16: BIOLOGICAL SAMPLING**

7.16.1 All catch is subject to reasonable biological sampling by the Tribal Fisheries Biologist or authorized representatives. Notwithstanding the provisions of any other section of these rules, assessment fishing is permitted at any time and location with the written permission of and under the supervision of the Tribal Fisheries Biologist or joint Tribal/State Fisheries assessment teams. (01-13-14)

7.16.2 If inspection or sampling requires taking legally harvested fish or impairs their market value, the fishermen shall be reimbursed the reasonable value of the loss.

7.17 **SECTION 17: PENALTIES**

7.17.1 FAILURE TO ALLOW INSPECTION, SEARCH OR IDENTIFICATION STOP. In addition to all other penalties permitted by this sec. 7.17, a licensee who fails to allow an inspection, search or identification stop described in sec. 7.12, is subject to license suspension upon conviction. Upon a second conviction of such offense the court shall impose a license suspension for not less than 30 fishing days, in addition to all other penalties permitted by sec. 7.17.

7.17.2 FAILURE TO COMPLY WITH CLOSURE OR OTHER RESTRICTIONS. In addition to all other penalties permitted by this sec. 7.17, a licensee who fails or refuses to withdraw from a closed area, or to comply with restrictions, within 24 hours after the notice prescribed in sec. 7.15.3 is given shall be subject to a forfeiture of \$5,000 for each violation. Each day the licensee fails to withdraw or to comply shall constitute a separate violation.

7.17.3 DISPOSITION OF CONTRABAND. In addition to all other penalties permitted by this sec. 7.17, fish determined by a court to be contraband shall not be returned to the defendant, his agents or immediate family members, but the court may order that the fish be used for charitable purposes, or that the fish be sold and the proceeds paid to the Tribe.

7.17.4 A person convicted of violating any provision of this Chapter 7 shall be subject to any of the following civil penalties, or any combination of them:

- (a) A civil forfeiture not to exceed \$5,000 per violation. (Deposit permitted in accordance with the schedule at sec. 7.17.7),
- (b) Suspension of license, or
- (c) Revocation of license.

7.17.5 Aggravated or repeated violations of this Chapter 7 shall be grounds for revocation of a Commercial Fishing License for one year.

7.17.6 Failure to pay forfeiture or to perform other conditions imposed by a court within 30 days of the conviction, or such other deadline as imposed by the court, shall be grounds for suspension of the license until the forfeiture is paid or the conditions of sentence are satisfied.

7.17.7 DEPOSIT SCHEDULE

Section	Description	Deposit Permitted
7.2.1	Fishing without a license	300
7.2.7	Fishing Commercial/Home Use Nets	300
7.3	Minimum size limits	50
7.4	Mesh size	50
7.5	Closed Season	300
7.5.2	Retaining during Closed Season	300
7.5.3	Effort Limitations	250
7.5.4	Transferring fishing efforts	50
7.6	Lifts (07-17-07)	300
7.7.1	Buoy Marking	50
7.7.2	Buoy Tags	50
7.8.1(a)	Tagging - Lake Trout	200
7.8.1(c)	Tags only valid during season issued	300
7.8.1(d)	Timely Tagging	200
7.8.2	Tagging - Home Use	200
7.8.3	Tagging - Michigan	200

7.10	Prohibited Sales	200
7.11.1	Reporting Requirement	50
7.11.1(a)	Required Information	50
7.11.1(b)	Due Date	50
7.12.1	Allow inspection	200
7.12.2	Search or ID	200
7.12.2(a)	On the Water	200
7.12.2(b)	On the Ice	200
7.12.2(c)	Vehicle Search	200
7.13	Closed Area	300
7.14	Restricted Area	300
7.15.1	Mandatory Withdrawal	300
7.15.2	Additional Restrictions	300
7.15.5	Fishing non-lifter area with lifter	300
7.15.6	Violate $\frac{1}{4}$ Mile Rule	250
7.18.1	Max 10 Trap Nets	300
7.18.2	Depth	250
7.18.3	Lifting Times	300
7.18.4	Setting within $\frac{1}{2}$ mile of other nets	250
7.18.5	Location Report	50
7.18.6	Remove nets during closed season	300
7.18.7	Dead Trout must be kept and tagged	200
7.18.8	Location and Catch Report	50
7.18.9	Identification	50

7.18.11	Small boat-2 nets per license	300
7.18.12	Setting nets-April to September	300
7.18.13	Setting nets from boat Nov. to March	300
7.18.14	Van Tassells Point Restriction	300
7.18.15	Trap net near Trout Stream	300
7.19.3(a)	License in possession Michigan	300
7.19.4(a)	Retain lean trout Nov. 1 thru Nov. 27	300
7.19.4(b)	October target fishing	300
7.19.5	Restricted Season	300
7.19.6(a)	Net Restrictions mesh size	50
7.19.6(b)	Mesh length	50
7.19.6(c)	Setting $\frac{1}{4}$ mile from other nets	250
7.19.7	Tagging	200
7.19.8	Catch Reports	50
7.19.9	Marking	50
7.19.11	Inspections	200
7.19.13	Closed Areas	300
7.19.14	Closures near Streams	300
7.19.15	Prohibited Sales (8/6/2012)	200

7.18 SECTION 18: TRAP NET REGULATIONS

- 7.18.1** A maximum of 10 trap nets can be set per trap net permit.
- 7.18.2** Trap nets must not be set deeper than 15 fathoms (90 feet). If during monitoring a disproportionate number of undersize fish are killed from lifting in deep water the fishermen will have to reset in shallower water, except that any specific net fished in deeper water prior to

November 27, 2005 may continue to be fished for the duration of the 2005 State Tribal Fishing Agreement.

- 7.18.3 Each trap net shall be lifted a minimum of once every 168 hours (7 days)
- 7.18.4 Trap nets may not be set within 1/2 mile of any other entrapping nets, except that adjacent tribal licensees may, by mutual consent, maintain a shorter interval between their respective nets, provided that said interval is at least ¼ mile and the ½ mile interval is maintained with any adjacent non-tribal net.
- 7.18.5 Locations of trap net sets shall be provided to the Red Cliff Fisheries Department within 48 hours after setting.
- 7.18.6 Trap nets shall be removed from the water or shall have the holding pot portion rendered inoperable during the closed seasons for lake trout and whitefish (Oct. 1 - Nov. 27). All webbing must be removed within 14 days after the season ends.
- 7.18.7 All dead lake trout must be kept and tagged.
- 7.18.8 The location and catch of each species of fish (in pounds) from trap nets shall be reported for each net lifted each day.
- 7.18.9 Buoys or entrapment gear shall bear the commercial fisherman's identification number.
- 7.18.10 Each trap net licensee will be given a big boat allocation of lake trout tags. A portion (35%) of these tags will be set aside for gill net effort.
- 7.18.11 Small boat fishermen shall be allowed to set two (2) entrapment nets per license. (6-7-99)
- 7.18.12 Nets may not be placed or operated during the months of April through September if the mesh covering the top of hearts of the nets is less than 14 inch stretch.
- 7.18.13 Nets may not be placed or operated from a boat or watercraft November 28 through March 31.
- 7.18.14 Nets fished in the Van Tassells Point restricted fishing area may harvest only whitefish and lake herring.

7.18.15 Nets may not be placed or operated within 1 mile of a designated trout stream

7.18.16 Entrapment nets will be allowed in W-1 from one mile east of the mouth of Iron River to one mile west of Bark Point only during period 3, and only for whitefish. Entrapment pots must be a minimum of one-half mile apart. (8/6/2012)

7.19 **SECTION 19: MICHIGAN FISHING REGULATIONS**

7.19.1 The following regulations are applicable to commercial fishing in the Michigan waters of Lake Superior. These regulations are enacted pursuant to sec. 7.15.4 of the Red Cliff Code of Laws, and are immediately effective upon notification as provided in sec. 7.15.3. These regulations are in effect until repealed. References to Chapter 7 refer to Chapter 7 of the Red Cliff Code of Laws.

7.19.2 FISHING YEAR.

(a) The Fishing Year begins on November 27 and ends on November 26. (5-3-99 E)

(b) Fishermen are allowed to fish chubs, herring and siscowets in water 35 fathoms or deeper all year. (12-3-07B)

7.19.3 LICENSE.

(a) Every fisherman shall have in possession the license required by sec. 7.2.1. The license is valid for one Fishing Year only, and only if the licensee has been expressly authorized by the Red Cliff Band to fish in Michigan waters.

(b) No more than four (4) large boats shall be licensed to fish the Michigan waters of Lake Superior. (12-3-07B)

7.19.4 CLOSED SEASON.

(a) No licensee shall take and retain any lean lake trout or whitefish from November 7 thru November 27. (01-13-14)

- (b) During the month of October, target fishing for lake trout is prohibited in all areas except the Keweenaw Bay small boat non-quota area. Possession of a catch in which lean lake trout comprise more than 40% of the total number of lean lake trout and whitefish shall constitute target fishing. **(12-3-07B)**

7.19.5 RESTRICTED SEASON**(12-3-07B)**. Each licensee shall refrain from commercial fishing in management unit MI-4 for an entire month either in June, July or August every fishing year. Each licensee shall select their month by informing the Red Cliff Fisheries Department on or before May 31 of each fishing year of their selection.

7.19.6 NET RESTRICTIONS.

- (a) No licensee shall set nets with a mesh size smaller than 4 1/2 inches stretch measure targeting lake trout, whitefish, salmon or siscowet trout. Mesh sizes of 2 3/8 to 3 inch shall be legal gear for herring, menominees and chubs. **(5-3-99 E)**
- (b) Each big boat licensee shall be only allowed to set 12,000 ft. of large mesh gill nets (4½ inch and larger) with a 5% variance in all waters less than 35 fathoms. In all waters over 35 fathoms licensees shall be only allowed to set 20,000 ft. of large mesh gill net. **(12-3-07B)**
- (c) It shall be unlawful to set fishing gear within ¼ mile from other fishing gear with the following limitations:
 - 1) Applies to parallel fishing gear only;
 - 2) Open water conditions only;
 - 3) Adjacent licensees may, by mutual consent, maintain a shorter interval between their respective nets. **(8/6/2012)**
- (d) Trap nets not be set within ½ mile of any other entrapping nets, except that adjacent tribal licenses may, by mutual consent, maintain a shorter interval between their respective nets, provided that said interval is at least ¼ mile and the ½ mile interval is maintained with any adjacent non-tribal net. **(8/6/2012)**

- 7.19.7** TAGGING. All lean lake trout taken and retained shall be tagged with tags furnished or authorized by the Red Cliff Band. Every licensee shall affix tags promptly after the fish are dressed. No fish shall be tagged with tags for any management unit except the unit the fish were taken from. **(8/6/2012)**
- 7.19.8** CATCH REPORTS. Catch reports shall be submitted on forms prescribed by the Red Cliff Fisheries Department. Reports are due on the 15th day of the following month being reported and shall be submitted to the Red Cliff Fisheries Department. **(5-3-99 E)**
- 7.19.9** MARKING. Nets shall be marked as stated in this chapter section 7.7.1. **(5-3-99 E)**
- 7.19.10** QUOTA.
- (a) A quota enforced by the tagging provisions of sec. 7.19.7 shall govern the harvest of lean lake trout. The quota shall be set by the Red Cliff Tribal Council and shall be implemented by the issuance of a limited quantity of tags. **(5-3-99 E)**
 - (b) The quota for MI-1 will be left open for assessment fishing only. **(12-3-07B)**
- 7.19.11** INSPECTIONS. Licensees shall allow Red Cliff Wardens and any other law enforcement officer who also has been cross deputized as a Red Cliff Warden for the specific purpose of enforcing commercial fishing regulations, to inspect nets, vessels, and vehicles used in the fishing operation, and to inspect any fish taken and retained by a licensee at any reasonable time and place. **(8/6/2012)**
- 7.19.12** The following provisions of Chapter 7 of the Red Cliff Code of Laws are hereby incorporated by reference and made a part of these Michigan Fishing Regulations:
- (a) sec. 7.2.1 Commercial Fishing License
 - (b) sec. 7.8 Tagging, except 7.8.1(b)
(01-13-14)
 - (c) sec. 7.15 Additional Closures and Restrictions

(d) sec. 7.16.1 Biological Sampling

(e) sec. 7.17 Penalties

7.19.13 CLOSED AREAS.

- (a) Grids 1511, 1512, and 1413 shall be closed from Memorial Day to November 28 for lean lake trout and whitefish.
- (b) All areas south of the line between East Entry and Point Abbaye shall be closed.
- (c) The following areas are closed to all fishing during the month of October and November: **(01-13-14)**
 - 1. Copper Harbor: no fishing within a two-mile radius of the navigation light at Copper Harbor.
 - 2. Buffalo Reef: no fishing within a two-mile radius of Loran C coordinate 8920-s-31856.4, 8920-y-466687.9.
 - 3. Traverse Island: no fishing within a two-mile radius of the Island.
 - 4. Huron Islands: no fishing within a two-mile radius of any of the islands which constitute the Huron Islands.
 - 5. Union Bay: no fishing in less than 50 feet of water within a two-mile radius.
 - 6. Eagle River Shoals: no fishing in less than 25 feet of water within a two-mile radius.
 - 7. Big Bay Reef: no fishing in less than 25 feet of water within a two-mile radius.
(12-3-07B)

7.19.14 CLOSURES NEAR STREAMS. Commercial fishing will be closed from April 15 through May 15 and from October 15 through November 15 of each year within a ½ mile radius of the mouth of the following rivers and streams:

- (a) Unit MI-2 - Montreal River, Black River, Presque Isle River, Little Carp River, Big Carp River, Big Iron River, Ontonagon River, Firesteel River.

- (b) Unit MI-3 - West Sleeping River, East Sleeping River, Misery River, Elm River, Graveret River.
- (c) Unit MI-4 - Tobacco River, Traverse River, Falls River, Silver River, Slate River, Ravine River, Huron River, Little Huron River.
- (d) Unit MI-5 - Salmon Trout River, Little Iron River, Big Garlic River, Little Garlic River, Harlow Creek, Dead River, Carp River, Chocolay River.
(12-3-07B)

7.19.15 PROHIBITED SALES.

- (a) There will be no commercial sale of the following fish:
 - 1. Rainbow Trout
 - 2. Brook Trout
 - 3. Brown Trout
 - 4. Sturgeon
- (b) Whitefish under 17 inches may not be sold. (12-3-07B)

7.20 SECTION 20: COMMERCIAL FISHERMEN'S DOCK (01-13-14)

- 7.20.1 The Fishing Committee will regulate the use of the dock, access to and from the dock, and maintenance and improvements to the dock through the management and enforcement authority of the Treaty Natural Resource Division.
- 7.20.2 The dock is for the exclusive use of licensed Red Cliff fishing boats.
- 7.20.3 Docking of boats is prohibited on the north and east side of the dock except for loading and unloading only.
- 7.20.4 Any boat that is unauthorized to dock shall be issued a citation for trespassing under section 23.4 of RCCL.
 - (a) Each day of trespass shall be considered a separate violation.
 - (b) Repeated violations may result in removal of the boat in violation at the owner's expense.

- 7.20.5 The Fishing Committee shall declare the slips available for docking at the beginning of each fishing season.
- (a) Boat slips will be assigned at the discretion of the Fishing Committee.
 - (b) Only Red Cliff licensed fishing boats may utilize the dock. This includes transient use for loading and unloading.
 - (c) Commercial fishermen that are currently assigned a slip and paid the docking fee for the previous fishing season will have the option to renew their lease without competition.
 - (d) The Fisheries Department shall maintain a waiting list for dock slips and collect the annual docking fee for lease of a slip.
 - (e) All boats docked at a slip must be operational and actively fishing. Any inoperable boats or boats not actively fishing will not be eligible for lease renewal or the waiting list.
 - (f) Docking fees shall be determined by the Fishing Committee and must be paid by December 1 of the fishing season.
 - (g) A boat slip is assigned to one boat regardless of how many boats a commercial fishermen owns. A boat slip lease is non-transferable and applies to a specific vessel.
 - (h) All commercial fishermen who lease a boat slip must sign the Boat Slip Lease and Liability Waiver form prior to using the boat slip. All commercial fishermen leasing a boat slip or using the dock for loading or unloading are responsible for any damages to the dock from their boat. The Fishing Committee is not responsible for any loss or damage to a commercial fishermen's boat.
 - (i) If any rules are violated by a commercial fisherman leasing a boat slip, the Fishing Committee has the discretion to revoke the boat slip lease. Boats that remain after revocation of

their lease shall subject the boat owner to trespassing fines and removal.

- 7.20.6 Red Cliff Wardens shall enforce the provisions of this section. Wardens may act to enforce this section through the request of the Fishing Committee while in quorum, or through direct observation of a violation occurring.